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15 Attorneys for Plaintiffs

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 17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**
 19

20 CALIFORNIANS FOR DISABILITY RIGHTS,)
 INC. ("CDR"), CALIFORNIA COUNCIL OF)
 21 THE BLIND ("CCB"), BEN ROCKWELL and)
 DMITRI BELSER, on behalf of themselves, and)
 22 on behalf of all others similarly situated,)

23 Plaintiffs,)

24 v.)

25 CALIFORNIA DEPARTMENT OF)
 TRANSPORTATION ("Caltrans") and WILL)
 26 KEMPTON, in his official capacity.)

27 Defendants.)
 28)

Case No. : C06-5125 SBA

CLASS ACTION

REPLY DECLARATION OF JOSÉ R. ALLEN IN SUPPORT OF MOTION FOR REASONABLE ATTORNEYS' FEES AND COSTS

Date: May 13, 2010

Time: 10:00 A.M.

Judge: Hon. Maria-Elena James

1 I, José R. Allen, declare as follows:

2 1. I make this declaration in support of Plaintiffs' Reply in Support of their
3 Motion For Reasonable Attorneys' Fees and Costs. I have personal knowledge of the facts stated
4 herein and could and would competently testify to these facts if called as a witness.

5 2. I am co-counsel for the plaintiff class in the above-captioned action and
6 I have been extensively involved in all aspects of the federal and state cases since approximately
7 May 2008.

8 3. My practice is not limited to providing advice to corporate clients regarding
9 complex environmental compliance and liability issues, as defense attorney Gregory Hurley
10 declares in paragraph 8 of his Declaration in Support of Defendants' Opposition to Plaintiffs'
11 Motion for Reasonable Attorneys' Fees and Costs. I have been regularly engaged in complex
12 litigation in federal and state courts for thirty-four years and I am a member of Litigation
13 Department at Skadden, Arps. Inasmuch as I have outlined my litigation experience in my prior
14 declaration in this action and in the biographical sketch that appears on my firm's website, there is
15 no need to recount my experience here, except to note that I have been engaged in litigation
16 practice for ten years longer than Mr. Hurley. I estimate that approximately 98 percent of my time
17 is devoted to complex litigation.

18 4. As to Mr. Hurley's irrelevant and hearsay statements regarding Skadden,
19 Arps' representation of Taco Bell, it suffices to say that Taco Bell is a client of the firm and as such
20 I will not discuss privileged attorney-client communications regarding this firm's representation of
21 Taco Bell. Furthermore, as a matter of personal practice, I do not represent private clients in areas
22 in which I provide *pro bono* representation. As a consequence, I have not taken on *pro bono*
23 representation in the areas of securities law, consumer class actions, or environmental law.

24 5. Attached hereto as Exhibit A is a true and correct copy of a letter dated
25 September 26, 2009 from me to Mr. Hurley, including several attachments. This letter and the
26 documents attached thereto describe various conduct of Mr. Hurley in this litigation and prior
27 cases.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed
2 this 29th day of April, 2010 at San Francisco, California.

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4 _____/s/*

José R. Allen

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6 * I hereby attest that I have on file all holograph signatures for any signatures indicated by a
7 "conformed" signature (/s/) within this efiled document.
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